



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Georg **BERGER**, Andrea **SPITZER**, Christian **JAEGER**,
Jutta **PAULI** and Renate **GILDENHAAR**

Application No.: 10/689,217

Filed: October 20, 2003

For: **BONE REPLACEMENT MATERIAL WITH ORTHOPHOSPHATE**

Attorney Docket No.: 3975.023

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97 and §1.98**

Mail Stop _____

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 56, Applicants hereby notify the U.S. Patent and Trademark Office of the following documents for the above-identified application which were cited in the specification of the present invention and/or by the Examiner in the corresponding German application. Copies of the documents set forth below and listed on the attached Form PTO-1449, are provided herewith.

1. European Patent No. 0 541 546 B1
2. World Patent No. 91/07357
3. U.S. Patent No. 3,922,155

Discussion of relevancy of references

Document 1

Document 1 is discussed in the present specification, and teaches a vitreous or vitreous-crystalline, rapidly dissolving material has the following composition (wt.%) before combustion: 20 - 55 CaO, 5 - 25 Na₂O, 0.01 - 15 K₂O, 0 - 15 MgO, 30 - 50 P₂O₅, 0 - 15 SiO₂, 0 - 40 Na₂SO₄ and/or K₂SO₄. The new material can be obtained in vitreous or vitreous-crystalline form, depending on the cooling conditions. As a spontaneously crystallized glass ceramic, it contains the rhenanite phase, ''A'' phase, ''X'' phase and/or their mixed crystals. The material is both bioactive and biocompatible and dissolves rapidly. It can be used directly and with other materials as an implant for temporary bone replacement and to induce growth of connective tissue, and as a fertilizer and fodder material. The claims of Document 1 are translated into English.

Applicants are not aware of any English language document in the patent family of Document 1, other than Document 2 which is in the family and contains an English language abstract.

Document 2

Document 2 is a member of the family of Document 1, in which claims can be found which have been translated into the English language.

A vitreous or vitreous-crystalline, rapidly dissolving material has the following composition (wt.%) before combustion: 20 - 55 CaO, 5 - 25 Na₂O, 0.01 - 15 K₂O, 0 - 15 MgO, 30 - 50

U.S. PATENT APPLICATION
SERIAL NO.: 10/689,217
INFORMATION DISCLOSURE STATEMENT

ATTY DOCK: 3975.023

P2O5, 0 - 15 SiO2, 0 - 40 Na2SO4 and/or K2SO4. The new material can be obtained in vitreous or vitreous-crystalline form, depending on the cooling conditions. As a spontaneously crystallized glass ceramic, it contains the rhenanite phase, 'A' phase, 'X' phase and/or their mixed crystals. The material is both bioactive and biocompatible and dissolves rapidly. It can be used directly and with other materials as an implant for temporary bone replacement and to induce growth of connective tissue, and as a fertilizer and fodder material.

Document 3

Document 3 is in the English language.

The present Information Disclosure Statement is being filed after three months from the application's filing date but before the mailing date of the first Office Action on the merits, therefore no Certification Under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedated or otherwise remove any listed document as a competent reference against the claims of the present application.

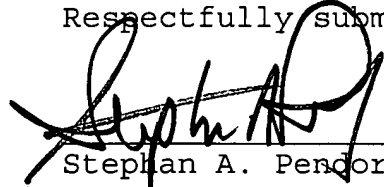
Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the

U.S. PATENT APPLICATION
SERIAL NO.: 10/689,217
INFORMATION DISCLOSURE STATEMENT

ATTY DOCK: 3975.023

present application and that an initialed copy of Form PTO-1449
be returned in accordance with MPEP §609.

Respectfully submitted,


Stephan A. Pendorf
Reg. No. 32, 665

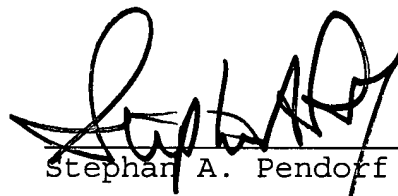
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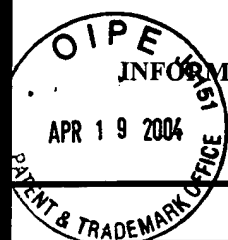
Dated: **April 15, 2004**

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing INFORMATION DISCLOSURE
STATEMENT Form PTO-1449, including three (3) documents, for U.S.
Application No. 10/689,217 filed October 20, 2003, were
deposited in first class U.S. mail, postage prepaid, P.O. Box
1450, Alexandria, VA 22313-1450, on **April 15, 2004**.

The Commissioner is hereby authorized to charge any
additional fees, which may be required at any time during the
prosecution of this application, except for the issue fee,
without specific authorization, or credit any overpayment, to
Deposit Account No. 16-0877.


Stephan A. Pendorf

**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*

Docket Number (Optional)

3975.023

Application Number

10/689,217

Applicant(s)

Georg Berger et al.

Filing Date

10/20/2003

Group Art Unit

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		3,922,155	11/25/1975	Broemer et al.	C03B	32/00	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		0 541 546 B1	10/5/1994	Europe	C03C	3/16		✓
		91/07357	5/30/1991	World	C03C	3/16		✓

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.